

**UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF NORTH CAROLINA  
RALEIGH DIVISION**

**IN RE:**

**DARRYL AVERY FULTON,**

**CASE NO. 21-02840-5-DMW  
CHAPTER 13**

**DEBTOR**

**DEBTOR'S VERIFIED MOTION TO EXTEND AUTOMATIC STAY**

Now comes the Debtor, by and through counsel, and moves this court to order, under 11 U.S.C. § 362(c)(3), that the full protections of the automatic stay be extended in this case until terminated under 11 U.S.C. § 362(c)(1) or (2), or until further order of the court. In support of this motion, the Debtor shows the court as follows:

1. The Debtor filed the above-captioned case on December 22, 2021.

2. On March 20, 2019, the Debtor filed a prior chapter 13 case bearing the assigned Case No. 19-01271-5-DMW in the Eastern District of North Carolina. The court dismissed that case on December 16, 2021. The dismissal of the prior case was because of the following (*mark all that apply*):

- ☐ Debtor or Debtor's immediate family incurred significant medical expenses;
- ☒ Debtor lost job/ had hours reduced/had wages reduced: the Debtor's income was impacted by the Covid-19 pandemic because he could not drive as much for Uber or Lyft to make additional income.
- ☒ Debtor incurred a significant expense on primary residence: the Debtor's housing expenses increased. He and his son were displaced from where they had been living, and finding a new residence has been extremely difficult. The Debtor has applied for numerous assistance programs but has not been granted help. He has had to pay for hotel rooms and extended stay rooms which becomes costly.
- ☒ Debtor incurred a significant expense on primary vehicle: The Debtor only has one vehicle, and it required repairs or replacement to the transmission, wheel bearings, tires, hose repairs, and other items.
- ☐ Debtor was owed money by a third party (such as child support, alimony, worker's compensation) and was not paid (*if so, list source of money \**);
- ☐ Debtor incurred a significant expense related to a dependent (*if so, provide details*): \*
- ☒ Other: The Debtor is caring for his 17 year old son and that has increased his food and gas expenses.

3. The Debtor's circumstances have substantially changed because (*mark all that apply*):

- ☒ Debtor now has new income in the form of additional work hours, an additional job, additional wages from previous job, and/or a new job. Provide details: the Debtor is now working for Allied Universal in security. He consistently works full-time, 40 hours per week. He was promoted from a sergeant position to an account manager position. There is opportunity for upward mobility and advancement with the company.
- ☐ Debtor now has new income in the form of monetary assistance from a third party individual (*provide details*): \*
- ☐ Debtor now has new income in the form of monetary assistance from a third party organization (*provide details*): \*
- ☒ Debtor now has more available income in the form of reduced expenses (*provide details*): The Debtor's vehicle is repaired and operating fine.
- ☐ Other: \*

4. As required by E.D.N.C. LBR 4001-1 (d)(1), this motion (*mark appropriate box*)

- ☒ is filed within five (5) days of the petition date
- ☐ is NOT filed within five (5) days of the petition date.

5. The Debtor has demonstrated by clear and convincing evidence that the current case is filed in good faith. The Debtor's circumstances have substantially changed so that the reason for dismissal in the prior case is not likely to recur and this case can be completed.

Wherefore, the Debtor prays for the court to enter an order extending the automatic stay as to all creditors until it would terminate under 11 U.S.C. §§ 362(c)(1) or (2), or until further order of the court, and for such further relief as the court deems just and appropriate.

Dated: December 22, 2021.

/s/Travis Sasser  
Travis Sasser  
Attorney for Debtor  
Sasser Law Firm  
2000 Regency Parkway, Suite 230  
Cary, NC 27518  
NC Bar No. 26707  
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DECLARATION

Under penalty of perjury, I, **Darryl Avery Fulton**, hereby certify that I have personal knowledge of all the information contained in the pleading above and all information is true and accurate, to the best of my knowledge.

  
(Signed)

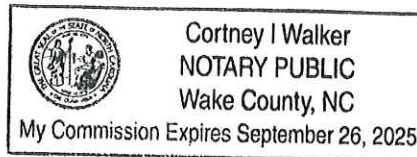
**Darryl Avery Fulton,**

Sworn and subscribed to me this the 20th day of December 2021



Notary Public

Notary Seal



**END OF DOCUMENT**

**UNITED STATES BANKRUPTCY COURT  
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**IN RE:**

**DARRYL AVERY FULTON,  
  
DEBTOR**

**CASE NO. 21-02840-5-DMW  
CHAPTER 13**

**NOTICE OF MOTION**

NOTICE IS HEREBY GIVEN that a Motion to Continue Automatic Stay has been filed by the debtor. A copy of the motion accompanies this notice.

TAKE NOTICE FURTHER that pursuant to the Local Rules of the United States Bankruptcy Court for the Eastern District of North Carolina, you have fourteen (14) days from the date of this Notice of Motion to file a responsive pleading to the attached Motion. If a response is filed, a hearing on this motion will be heard at the United States Bankruptcy Court, Eastern District of North Carolina, Raleigh Division located at the Century Station Federal Building, 300 Fayetteville Street, Raleigh, North Carolina 27601 in the 3<sup>rd</sup> Floor Courtroom starting at 10:00 on January 19, 2022. You must file your response with the Clerk, United States Bankruptcy Court, Post Office Box 791, Raleigh, NC 27602 with a copy to the undersigned. Any such responsive pleading must contain a request for a hearing if, indeed, you wish to be heard by the Court. Unless a hearing is specifically requested in a responsive pleading, the attached Motion may be determined and final Orders entered by the court without a hearing.

Dated: December 22, 2021.

/s/ Travis Sasser  
Travis Sasser  
Attorney for Debtor  
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**CERTIFICATE OF SERVICE**

The foregoing debtor's Motion to be served on the following parties, by mailing a copy by depositing it in the United States Mail, by First Class Mail, in a properly addressed envelope with adequate postage thereon.

*ALL PARTIES ON THE ATTACHED MAILING MATRIX*

Dated: December 22, 2021.

/s/ Travis Sasser

Travis Sasser

Attorney for Debtor

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Attn: Managing Agent/Bankruptcy  
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Baltimore, MD 21264

Wake Med Health and Hospitals  
Attn: Managing Agent/Bankruptcy  
3000 New Bern Avenue  
Raleigh, NC 27610

AT&T U Verse  
Attn: Managing Agent/Bankruptcy  
One AT&T Way, Room 3A218  
Bedminster, NJ 07921

Wake Med Physicians Practice  
Attn: Managing Agent/Bankruptcy  
3000 New Bern Avenue  
Raleigh, NC 27610

BSI Financial Services  
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1425 Greenway Drive Suite 400  
Irving, TX 75038

Creditors Collection Services  
Attn: Managing Agent/ Bankruptcy  
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Roanoke, VA 24018

Diversified Consultants, Inc  
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Post Office Box 551268  
Jacksonville, FL 32256

Internal Revenue Service  
Centralized Insolvency Operations  
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Philadelphia, PA 19101-7346

NC Department of Revenue  
Office Serv. Div., Bankruptcy Unit  
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